

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Nancy McAfee, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC78-141
)	
City and Town of Stamford; and the Housing Authority of the City and Town of Stamford,)	November 7, 1978
Respondents)	

The above captioned matter was heard as a contested case on September 26, 1978 at which time the complainant and the respondent authority appeared and presented testimony and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondent authority is a public agency as defined by §1-18a(a), G.S.
2. On July 5, 1978, the complainant appeared in the office of the respondent authority and asked to inspect and copy minutes of the respondent authority's meeting of June 21, 1978.
3. The complainant waited from 12:55 p.m. to 2:50 p.m. on July 5, 1978 before she was provided with a copy of the requested minutes.
4. §1-21, G.S., requires a public agency to make minutes "...available for public inspection with seven days of the session to which they refer."
5. Prior decisions of the Commission involving the same parties to this matter have resulted in a Commission order requiring the respondent authority to make its minutes available for public inspection with the time period prescribed under §1-21, G.S.
6. The thrust of the letter filed by the complainant with the Commission on July 19, 1978 was that the aforesaid delay constituted a wilful violation of the right to have such minutes made "available" within the time prescribed under the Freedom of Information Act and a violation of a prior order of this Commission.

7. The respondent authority admitted in argument that the minutes in question were prepared and approved prior to the time of the complainant's request.

8. The respondent authority contended that such minutes were provided within a "reasonable time" in view of the fact that it, through its executive director, had to determine what portion of such minutes, if any, should be deleted or concealed from the complainant's view in order to protect the executive session portion of its June 21, 1978 meeting.

9. The question of whether or not an exemption to disclosure may be claimed for any portion of a minutes record is a novel enough question as to vitiate the claim of wilfulness in the context of this case.

10. §1-19(a), G.S. states that each public agency "shall make, keep and maintain a record of the proceedings of its meetings."

11. As mentioned earlier, §1-21, G.S. requires the minutes of meetings to be available for public inspection within seven days. That same section also requires that the minutes shall contain the votes of each member of a public agency upon any issue before such public agency.

12. §1-21g, G.S., further provides that the minutes of an executive session shall disclose all persons who attended any such session.

13. Neither §§1-19(a), 1-21, or 1-21g, G.S., nor any other provision of the Freedom of Information Act, exempts from disclosure minutes, or votes taken in, executive sessions. In this regard, the legislative policy is clear - minutes shall be kept and that being kept, they shall be public records which must be made available to the public.

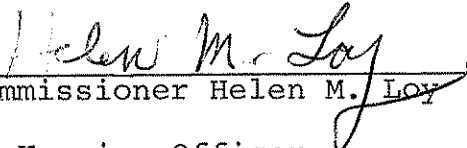
14. It is concluded that a three hour delay justified only by a public agency's desire to screen minutes constitutes a denial of the complainant's right to have such minutes available within the time period prescribed by §1-21, G.S.

15. It is further concluded that the time period for making such minutes available to the public, set forth in §1-21, G.S., is specific in its terms and overrides the more general "reasonable time" set forth in the access provisions of §1-19, G.S. as to all other records kept by the public agency.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:


1. Henceforth, the minutes of the respondent authority shall be available for public inspection within seven days of the session to which they refer.

2. In this regard, the respondent authority has the obligation to make its minutes available for public inspection at its regular offices during business hours.



Commissioner Helen M. Loy
as Hearing Officer

Approved by order of the Freedom of Information Commission on
November 29, 1978.



Charlene G. Arnold
Clerk of the Commission